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SPROUTS FARMERS MARKET, INC.
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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**
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14 ROBERT COHEN, individually and on
behalf of all others similarly situated,

15 Plaintiff,
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17 vs.

18 SPROUTS FARMERS MARKET, INC.,
and DOES 1 through 10, inclusive, and
each of them,

19 Defendants.
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CASE NO.: 8:22-cv-01837 DOC (DFMx)

Honorable David O. Carter
Courtroom 10 A

**[PROPOSED] ORDER GRANTING
DEFENDANT SPROUTS FARMERS
MARKET, INC.'S MOTION TO
DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT**

Date: January 9, 2023

Time: 8:30 a.m.

Place: Courtroom 10A

411 W. 4th Street

Santa Ana, CA 92701

Complaint Filed: September 6, 2022

Action Removed: November 7, 2022

Trial Date: None Set

1 Defendant Sprouts Farmers Market, Inc.’s (“Defendant”) Motion to Dismiss the
2 First Amended Complaint filed by Plaintiff Larry Tran (“Plaintiff”) came on for hearing
3 before the above-entitled Court on January 9, 2023 at 8:30 a.m.

4 After consideration of the papers, the record in this case, the arguments of counsel,
5 and good cause appearing, **IT IS HEREBY ORDERED THAT** the Motion to Dismiss is
6 **GRANTED** in its entirety without leave to amend, and the above-entitled action against
7 Defendant is **DISMISSED** with prejudice, for the following reasons:

8 1. Pursuant to Federal Rule of Civil Procedure 12(b)(6), the First Amended
9 Complaint fails to state a claim upon which relief can be granted because the conduct
10 alleged—printing the first six and last four digits of a credit or debit card number on a
11 receipt—does not constitute a violation of the Fair and Accurate Credit Transactions Act
12 (“FACTA”), 15 U.S.C. § 1681(c)(g)(1).

13 2. Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff’s cause of
14 action for knowing violations of FACTA fails to state a claim upon which relief can be
15 granted because Plaintiff only speculates that Defendant knew of the existence of FACTA
16 and did not take sufficient steps to ensure no violation would occur. Plaintiff fails to plead
17 the required willfulness to sustain this claim.

18 3. Pursuant to Federal Rule of Civil Procedure 12(b)(2), the Court lacks personal
19 jurisdiction to decide the claims for FACTA violations that Plaintiff seeks to assert on
20 behalf of unnamed, non-California class members. Defendant is not subject to California’s
21 general jurisdiction, nor does the Court have subject matter jurisdiction over these causes
22 of action based on alleged wrongful conduct occurring entirely outside of California.

23 **IT IS SO ORDERED.**

24
25 DATED: _____, 2023

HON. DAVID O. CARTER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

***Robert Cohen v. Sprouts Farmers Market, Inc.,
United States District Court for the Central District of California
Case No.: 8:22-cv-01837 DOC (DFMx)***

I hereby certify on November 28, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Central District of California by using the CM/ECF System.

Participants in the case who are registered CM/ECF Users will be automatically served by the CM/ECF System.

DATED: November 28, 2022

DORSEY & WHITNEY LLP

By: /s/Faisal M. Zubairi
Faisal M. Zubairi